

REMARKS

Claims 1-27 are pending in this application, with Claims 1, 10, 15, 16, and 23 being independent. Claims 1, 10, 15, 16 and 23 have been amended. Favorable reconsideration is respectfully requested.

As a threshold matter, the courtesies extended to Applicant's representative at the June 19, 2003, personal Interview are hereby gratefully acknowledged.

The Office Action rejected claims 1-6, 8, 10-13, 15-18 and 22 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,085,172 to Junger; claims 7, 9, 19 and 20 under 35 U.S.C. § 103 as obvious from Junger in view of "Official Notice" and a PR Newswire related to the recycling of laser and inkjet printer cartridges; claim 14 under Section 103 as obvious from Junger in view of an excerpt from Grall, "How The Internet Works," Millennium Edition, © 1999, pp. 292-293, claim 21 under Section 103 as obvious from Junger, Official Notice and the PR Newswire, and further in view of U.S. Patent No. 6,321,983 to Katayanagi et al.; and claims 23-27 under Section 103 as obvious from Junger in view of Official Notice that computer program code is required for the computer automated tasks disclosed by Junger. These rejections are respectfully traversed.

As recited in independent Claim 1, the present invention relates to a computer on a network that effects the return of a consumer product for recycling. The computer is adapted to receive from another computer on the network consumer information, which includes an identification of the consumer product and also the present location of the consumer product. The computer automatically determines a destination for the consumer product based upon the identity of the product and its present location, and automatically determines the carrier service that will deliver the product to the destination

based upon the product's present location and the location of the destination. The computer further transmits to the other computer shipping label data, which includes an identification of the destination for the consumer product and an identification of the carrier service.

Independent Claim 10 relates to a method for effecting consumer product returns for recycling over a network. Independent Claim 15 relates to a computer operatively connected to a printer and located on a network. Independent Claim 16 relates to a system for effecting the return of a consumer product. And independent Claim 23 relates to computer code for effecting the return of a consumer product. All of those claims recite the salient features discussed above, specifically all recite:

- systems or methods for effecting product returns for recycling;
- automatically determining a destination for the product based upon the product type and its present location;
- automatically determining a carrier service for the product based upon its present location and the location of the destination; and
- the transmission or receipt of shipping label data, that includes a identification of the destination and an identification of the carrier service.

Methods of returning consumer products for recycling exist in the art. In conventional systems, a pre-printed shipping label is included with the product when it is purchased, so that a consumer who wishes to return that product may use that pre-printed label to effect the return. The consumer boxes the product, affixes the label to the box and ships it to the pre-printed destination.

While generally good for their intended applications, such conventional systems have certain drawbacks, which stem from their static and inflexible nature. One drawback is that if the label included in the original packaging is lost, the consumer cannot

readily effect the return. Another drawback is that the manufacturer must select the destination for the consumer product when the product is initially packaged, and cannot change the destination thereafter. And because the selection must be made at the time the product is packed, before the manufacturer knows in whose hand the product will wind up, it cannot be tailored to a specific consumer. Thus, the manufacturer cannot direct the consumer product being returned to a destination closer to the consumer.

The present invention overcomes these drawbacks by providing a method or system for effecting product returns for recycling, in which a computer automatically determines a destination for the product based upon the product type and its present location, and automatically determines a carrier service for the product based upon its present location and the location of the destination. Then, the computer transmits shipping label data that includes the destination of the consumer product and a identification of the carrier service. By providing a recycling system which operates in this fashion, the present invention is dynamic and flexible, and overcomes the drawbacks that have plagued the prior art.

Junger does not teach or suggest several of the salient features of the present invention. First off, Junger does not relate to recycling at all. Junger is concerned with the problem of reducing the number of improper or fraudulent returns. In Junger, a retailer regional warehouse 1 operated by a large retail chain collects product returns from local retail stores 3A and 3B. Junger makes no disclosure concerning how the products make their way to the retail stores 3A and 3B, or from the retail stores 3A and 3B to the regional warehouse 1. In any event, at the retailer regional warehouse 1, product identifying information is entered into a personal computer 210, which information is transmitted to a

computer system 230 located at a manufacturer's facility 5. The computer system 230 determines whether certain return criteria are met for a product, and if so provides a return authorization. The product is then shipped to the manufacturer's facility, along with an identification of the return authorization.

The return authorization in Junger comprises a return authorization (RA) number. The return authorization does not comprise shipping label data, or any indication of the destination for the returned product or the identity of the carrier. In the present invention, in stark contrast, the computer that transmits the information identifying the consumer product to be returned receives from the other computer not a return authorization, but rather shipping label data that includes i) an identification of the destination of the consumer product; and (ii) an identification of the carrier service that will deliver the consumer product to the identified destination. That feature is neither taught nor suggested by Junger, or by any other prior art cited by the Examiner.

The Examiner contends that Junger teaches an "operatively connected printer that prints shipping labels from the client computer," and cites col. 8, lines 50-54 in that connection (Office Action at 3). That portion of Junger reads as follows:

Alternatively, the printer 216 (Fig. 2) may be used to print labels upon receipt of a return authorization number. Such labels are preferably placed on all four sides of the shipping pallet, the pallet is shrink wrapped and shipped to the manufacturer.

As can be readily seen from that passage, and from an inspection of Fig. 5 and particularly Fig. 5A, those labels are not shipping labels, but merely labels that authorize the return. The labels are marked with the RA number and a reference number. They do not contain a carrier identifier or a destination. Thus, the labels of Junger bear no relation to the

shipping label data of the present invention, which includes the destination of the consumer product and an identification of the carrier service that will deliver the consumer product to that destination.

Accordingly, Applicant respectfully submits that independent Claims 1, 10, 15, 16, and 23 are clearly patentable over Junger, taken either alone or in combination with the secondary references; and respectfully request the Examiner to remove the pending rejections.

The remaining claims depend from one of independent Claims 1, 10, 15, 16, and 23, and each partakes in the novelty and non-obviousness of its respective base claim. These dependent claims recite additional patentable features of the present invention as well, and individual reconsideration of each is respectfully requested

CONCLUSION

This Amendment After Final Action is believed clearly to place this application in condition for allowance and, therefore, its entry is believed proper under 37 C.F.R. § 1.116. Accordingly, entry of this Amendment, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicant's undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing Amendments and Remarks, a Notice of Allowance is earnestly solicited.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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